IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

Autoscribe Corporation	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No.: 2:23-cv-00364-JRG
	§	
Fortis Payment Systems, LLC	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	
	§	
	§	

JOINT (AGREED) MOTION FOR ENTRY OF DOCKET CONTROL ORDER AND MOTION TO CONSOLIDATE FOR PRETRIAL PURPOSES

Plaintiff Autoscribe Corporation and Defendant Fortis Payment Systems, LLC file this Joint Motion for Entry of Docket Control Order in the above-captioned case. The agreed proposed Docket Control Order, attached hereto as Exhibit A, reflects the parties' agreement to consolidate the pretrial schedule of this case with the related case, *Autoscribe Corp. v. Repay Holdings Corp.*, et al., C.A. No. 2:23-CV-00349 (the "349 Case").

In furtherance of this consolidation of schedules, the parties have agreed to herein seek modification of one deadline that has been designated by the Court as requiring a showing of good cause for the modification. Specifically, as shown in the attached Exhibit A, the parties propose to modify the deadline to File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures). The purpose of this modification is to align the deadline with the extension previously granted by the Court in the 349 Case. *See* 349 Case Dkt. 27. Further, the parties are presently in the process of negotiating an agreed protective order between all parties (including those in the 349 Case) and request the additional time to finalize agreement on all terms such that an agreed order may be submitted to the Court. These

modifications, specifically for the purpose of consolidating the schedule of this case with the 349 Case, are sought for purposes of streamlining the two related proceedings and achieving efficiency for the parties and the Court.

The parties by this motion further propose to consolidate this action with the related 349 Case, which involves the same plaintiff, the same patent, and overlapping issues of law and fact, for all pretrial purposes. The parties believe they have good cause to request and have such granted, because the consolidation of schedules in the two actions will decrease duplicative pretrial decisions, conserve resources of the parties, and promote the judicial efficiency and the administration of justice of the Court, avoiding unnecessary costs or delays. Accordingly, the parties respectfully request that the Court consolidate this case with the 349 Case for all pretrial purposes pursuant to its authority under Federal Rule of Civil Procedure 42(a), with all filings to be filed in the 349 Case.

Having agreed upon the terms included therein and shown good cause, the parties respectfully request the Court grant this Motion and enter the Proposed Docket Control Order, attached as Exhibit A, and further consolidate this matter with the 349 Case.

Dated: December 18, 2023

Respectfully submitted,

/s/ Jason McManis

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 18, 2023, a true and correct copy of the foregoing document was served via electronic delivery to all counsel of record.

/s/ Jason McManis
Jason McManis

CERTIFICATE OF CONFERENCE

The parties have met and conferred on December 11, 12, and 14, 2023 to discuss the relief requested in this Motion. This motion is agreed and filed jointly by the parties.

/s/ Jason McManis
Jason McManis